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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,016	04/27/2001	Jacques M. Dulin	24347-051US	1461

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Jacques M. Dulin, Esq.
Innovation Law Group, Ltd.
224 W. Washington Street
Suite 201
Sequim, WA 98382-3338

EXAMINER	
LOUIS JACQUES, JACQUES H	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,016	DULIN ET AL.	
	Examiner	Art Unit	
	Jacques H Louis-Jacques	3661	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7,11-14,17,18,21-24,28,30-34 and 36-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments & Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments, see Responses, filed September 29, 2003 and January 14, 2004, with respect to the rejection(s) of the claim(s) under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection has been made against the claims.

The claims of the present application were rejected as being unpatentable over the combination of over Liu et al [6,263,272] in view of Seip et al [6,314,380].

On September 29, 2003, Applicant filed a petition under 37 CFR 1.78(a)(3) to claim under 35 USC 120 for the benefit of prior-filed nonprovisional Application No. 09/325,242 (US Patent No. 6,314,380) to Seip et al. The petition was granted on December 3, 2003.

In view of the grant of the petition to convert the present application to Continuation-In-Part (CIP) of the 6,314,380 patent to Seip et al (US Application No. 09/325,242), the rejection under 35 USC 103 has been withdrawn.

In an effort to place the present application in better condition for allowance, Applicant and the Examiner, during a telephonic conversation held on January 14, 2004, agreed on some possible amendments to the claims. Accordingly, on January 14, 2004, Applicant filed a "Supplemental Response to Final Rejection" incorporating the discussed changes (amendments) to the claims. However, upon reconsidering the amendments, the claims are still found to be unpatentable over the prior art (new ground of rejection).

In the 103 rejection applied in the Final Rejection, the claims were rejected over the combination of over Liu et al [6,263,272] in view of Seip et al [6,314,380]. Specifically, the Seip et al was used for disclosing the use of an ultrasound unit for monitoring the temperature of at least one of a vehicle interior space and the exterior ambient temperature. Although the Seip et al patent is removed as prior art against the claims of the present application, this feature is taught by Corrado et al [5,482,314].

A detailed rejection is set forth below. The examiner apologizes for the delay in applying this reference against the claims.

The amendments filed on January 14, 2003 have been entered.

Claims 1-4, 6-7, 11-14, 17-18, 21-24, 28, 30-34 and 36-52 are pending and presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 6-7, 11-14, 17-18, 21-24, 28, 30-34 and 36-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al [6,263,272] in view of Corrado et al [5,482,314].

Liu et al [6,263,272] discloses a vehicle having a thermal protection arrangement for toddlers (vehicular passengers) and pets (animals), wherein the danger of heat prostration or suffocation is reduced. The system, according to Liu et al, controls power

window and sunroof of a vehicle for protecting toddlers, pets and other incapacitated living beings from ill effects of high and low temperatures. Liu et al discloses the lowering and raising off a power window and opening and closing of a sunroof to prevent the vehicle from excessive temperatures (abstract and column 1). According to Liu et al, the temperature of the interior or exterior of the vehicle is monitored and a warning or alert signal is generated based on the monitored temperature. The system of Liu et al maintains a "comfortable" temperature range for the interior of the vehicle over the time period the vehicle is parked and left unattended. There is also provided a means of communications to alert the vehicle operator and others in case of exceedingly high or low temperatures in the vehicle interior that might be life-threatening to those toddlers, pets or other incapacitated living beings who are left unattended in the vehicle. See abstract. According further to Liu et a, a vehicle condition, e.g., ignition state (operator removing the ignition key), vehicle stopped, door open/closed, is sensed and used in issuing the alarm or warning signal along with monitored temperature. See also the abstract and columns 3-4. Still according to Liu et al, the communications system may include a vehicle alarm, a headlight flashing system and a vehicle emergency horn system. These devices may be used singly or in combination to alert the vehicle operator and/or others near by about the dangerous condition that exists for those who are left unattended in the vehicle. The communications system further includes a typical pager device for activating in a well-known manner a beeper that is carried by the vehicle operator. There is also provided a Global Positioning System (GPS) location system, which can be used as a part of the communications system for providing location

information of the vehicle to rescuers (e.g., public emergency services, for example, police and paramedics). Still another aspect of the Liu et al system is to provide a voice announcement, or sound or illuminated warning. In addition, Liu et al discloses a living being sensor for detecting an occupancy state of the vehicle. Such sensor may be implemented with a motion detector based on ultrasound. See column 7. Referring back to columns 3 and 4, Liu et al discloses automatically adjusting or activating, in response to the monitored temperature, vehicle's power window and power sunroof positions. While in column 6 Liu et al discloses that numerous temperature sensing circuits available can be used, Liu et al does not particularly disclose that the temperature is extracted from an ultrasound unit.

Corrado et al, on the other hand, discloses an automotive occupant sensor (AOS) system and method of operation by sensor fusion for sensing the presence, type of an occupant as well as for sensing the temperature inside the vehicle. Corrado et al, like Liu et al, discloses determining the occupancy of a vehicle interior space, including evaluating data extracted from a sensor system employing an ultrasound unit (figures 1-8, 11a, 11b and column 1). In addition, Corrado et al discloses monitoring the temperature of at least one of a vehicle interior space and the exterior ambient temperature by extracting temperature data from at least one output of the ultrasound unit. See columns 4 and 11. Furthermore, in columns 5-6, Corrado et al discloses, in addition to sensing the presence or absence of occupants inside the vehicle (i.e., occupancy state), triggering other systems, such as automatic safety belts, interior climate controls, door locks, lighting, warning lights, audio alert or status signals (buzzers), and the like. Corrado et al

further discloses that the system can automatically measure the interior temperature of the vehicle and send a signal to automatically adjust or cause the cooling fan to operate. See column 8. In column 9, Corrado et al also discloses the condition when the vehicle is left unattended.

Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the vehicle having a thermal protection arrangement for toddlers (vehicular passengers) and pets (animals) of Liu et al by incorporating the temperature and occupancy from the ultrasound unit of Corrado et al because such modification, as suggested by Corrado et al, would increase the performance, reliability and safety of the system (columns 1 and 5).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,071,160	White et al	Dec. 1991
5,860,674	Corrado	Jan. 1999
6,431,592	Seip	Aug. 2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H Louis-Jacques whose telephone number is 703-305-9757. The examiner can normally be reached on M-Th 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques
Primary Examiner
Art Unit 3661

/jlj